

### **REMARKS/ARGUMENTS**

In response to the Examiner's further Office Action of July 26, 2006 issued in the present RCE application, the Applicant respectfully submits the accompanying terminal disclaimer and Amendment to the claims, and the below Remarks.

#### ***Regarding Amendment***

In the Amendment:

independent claim 1 is amended to clarify that the locking features are configured to engage with one another upon the relative movement to dispense the printing fluid. Support for this amendment can be found at page 28, lines 10-26 of the present specification;

independent claim 5 is similarly amended to specify that the complementary protrusions and indentations are configured to engage with one another upon the relative movement to dispense the printing fluid; and

dependent claims 2-4 are unchanged.

It is respectfully submitted that the above amendments do not add new matter to the present application.

#### ***Regarding Non-Statutory Double Patenting Rejections***

With respect to the provisional non-statutory double patenting rejections of pending claims 1-5 over claims 1-5 of copending Application No. 10/760,186 in view of Kobayashi et al. (US 2001/0030675) a terminal disclaimer in compliance with 37 C.F.R. 1.321(c) is being submitted herewith; the present application and Application No. 10/760,186 being commonly owned by the Applicant.

#### ***Regarding 35 USC 102(b) Rejections***

It is respectfully submitted that the subject matter of amended independent claim 1 is not disclosed by Kobayashi, for at least the following reasons.

In the present invention, as recited in amended independent claim 1, the retaining protrusion 168 and the post-plunge recess 169 of the base and cover moldings 170 and 162 of the ink refill cartridge 160 are arranged to come into engagement due to the relative movement base and cover moldings upon completion of ink refilling (see page 28, lines 10-26 of the present specification). Amended independent claims 1 and 5 recite these features of the present invention.

On the other hand, contrary to the Examiner's contention, the cartridge frame member 10 and the upper cover 11 disclosed by Kobayashi are not moved relative to each other to dispense ink from the ink cartridge 1. Rather, the frame and cover members are fixed to each other to form a housing for ink-containing foam located in the foam chamber 14, where one of ordinary skill in the art understands that ink is drawn from the foam by capillary action (see paragraphs [0100] of Kobayashi).

Thus, Kobayashi does not disclose, nor suggests, arranging first and second portions which are moved relative to each other to dispense ink, let alone disclosing that this relative movement causes engagement of locking features of the first and second portions, as is required by amended independent claim 1.

***Regarding 35 USC 103(a) Rejections***

It is respectfully submitted that the subject matter of amended independent claims 1 and 5, and dependent claims 2-4, is not taught or suggested by Hetzer et al. (US 5,940,103) in view of previously cited Yuen and Mochizuki et al. (US 6,264,314), for at least the following reasons.

Similar to Kobayashi, the cover 6 and the case 4 disclosed by Mochizuki (which the Examiner uses to purportedly teach configuring relatively moveable first and second portions of an ink cartridge to be disengageable only using an unlocking tool in the combination of Hetzer and Yuen) are not moved relative to each other to dispense ink from the ink cartridge 8. Rather, the cover and the case are fixed to each other to form a housing for the ink bag 1, where one of ordinary skill in the art understands that ink is drawn from the ink bag via ink supplying needle 15 by pressure effects (see col. 4, lines 11-46 and col. 6, lines 47-58 of Mochizuki).

Thus, Mochizuki does not disclose, nor suggests, arranging first and second portions which are moved relative to each other to dispense ink, let alone disclosing that this relative movement causes engagement of locking features of the first and second portions, as is required by amended independent claims 1 and 5.

Thus, one of ordinary skill in the art would not be motivated to modify Hetzer and Yuen based on the disclosure of Mochizuki in order to configure the relative movement of the first and second portions of a printing fluid cartridge to both cause engagement of locking features of the first and second portion and dispensing of the printing fluid.

It is respectfully submitted that the Examiner's rejections have been traversed. Accordingly, it is submitted that the present application is in condition for allowance and reconsideration of the present application is respectfully requested.

Very respectfully,

Applicant:



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